

LEGISLATION 2009 – New Statutes

This is a very brief summary of the bills passed by the 2009 General Assembly which are of interest to persons and entities regulated by the Division of Finance.

Section 361.340 was amended to eliminate the requirement that the circuit court approve the Commissioner's assignment of a failed bank to the FDIC. HB 914: since this bill included an emergency clause, it became effective when the Governor signed it, June 25, 2009.

Section 301.558 is entirely new. It provides that dealers in motor vehicles, boats or power sports equipment may complete routine forms without being considered engaged in the unlicensed practice of law provided no fee is charged; if such activities are found, contrary to the statute, to be the unauthorized practice of law, the otherwise applicable penalties are void. SB 355: effective August 28, 2009.

Sections 443.701-443.893 repealed and replaced the former Missouri mortgage broker law; this is the Missouri response to the S.A.F.E. Act. It eliminates a great many exceptions to the licensing law and requires individual licensing of loan originators. The licensing provisions are complicated and require both preliminary and continuing professional education each year. Applicants' character and fitness are part of the licensing criteria. HB 382: since this bill included an emergency clause, it became effective when the Governor signed it, July 8, 2009.

Sections 362.333 and 369.162, both new, expand the fiduciary responsibilities which may be transferred to another financial institution to include irrevocable life insurance trusts, subject to the existing rules for such transfers found in section 362.332. SB 277: effective August 28, 2009.

Chapter 436, as it relates to pre-need funeral contracts, is completely rewritten. SB 1: effective August 28, 2009.

Sections 30.260 – 30.765 of the "linked deposit law" are amended to expand the programs by increasing the types of eligible activities and by redefining "eligible small business from fewer than 25 employees to fewer than 100. HB 883: effective August 28, 2009.